

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING**

BEAVER COUNTY COUNCIL CHAMBERS

JANUARY 10, 2025 AT 10:00 AM

Owner(s): Carmen and Rodney Nachtigall

Applicant(s): Carmen and Rodney Nachtigall

Location: Lot 17 Block 2 Plan 7920020 SW-17-51-19-W4

Proposed Development: 10ft fence with a 4ft variance from maximum fence height (Buildings and uses accessory to permitted uses)

Appellant(s): Carmen and Rodney Nachtigall

Exhibits:

- a) Development Permit Application (2 pages)
- b) Notice of Refusal (2 pages)
- c) Notice of Appeal (6 pages)
- d) Notice of Appeal Hearing (1 page)
- e) Development Authority Report (13 pages)



APPLICATION FOR DEVELOPMENT PERMIT

Office Use Only

Permit No.:	Roll No.:	Dist.:	Receipt No.:
Date Received:	Date Accepted as Complete:		

I hereby make application for a Development Permit in accordance with the plans and supporting information submitted herewith.

Applicant / Agent Information

Name: CAROL & BOB NACHTIGALL Phone: [REDACTED]
 Mailing Address: [REDACTED] Postal Code: [REDACTED]
 Email Address: [REDACTED]

Yes for Electronic Communication Authorization: In accordance with Section 308(1) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, I/We grant permission to receive electronic communication by an authorized person of Beaver County relative to a development application.

Registered Owner(s) Information

Owner Same as Applicant
 Name: _____ Phone: _____
 Mailing Address: _____ Postal Code: _____
 Email Address: _____

Yes for Electronic Communication Authorization: In accordance with Section 308(1) of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended, I/We grant permission to receive electronic communication by an authorized person of Beaver County relative to a development application.

Property Information

Legal Pt. NW NE SW SE Sec 17 Twp. 51 Range. 19 W4 Plan: 792 0320 Block: 2 Lot: 17
 Subdivision Name (if applicable): [REDACTED] Municipal Address: [REDACTED]
 Development type: Home Occupation/Commercial Residential Sign

Describe proposed development in detail (use reverse of page if necessary).

BUILD A 10' HIGH SCREEN ALONG THE EAST PROPERTY LINE

Are you applying for a variance? Yes No

What is the unique circumstance for your property that warrants a variance? SEE ATTACHED

Estimated Project Cost: 800.00 Estimated start date: _____ Completion: _____
 Floor area: _____ Deck height (if applicable): _____ Building Height: 10'
 Distance of proposed development from road (Front yard): _____ Side yard: _____ Rear yard: _____
 Site plan attached: (containing ALL relevant material and drawn to scale) Yes No
 Construction drawings attached: (containing ALL relevant material) Yes No
 Will the existing grade and surface drainage pattern of the property be materially altered during development? Yes No

Right of Entry

I/We, being the registered owner(s) or person in possession, hereby give my consent to allow authorized persons the right to enter the above land and the buildings with respect to this application. I/We warrant the information provided in this application is true to the best of my knowledge.

Signature of Applicant: [Signature] Date: SEPT 22 2014

Signature of ALL Registered Owner(s): [Signature]
(If different from Applicant)

This personal information is being collected under the authority of the Municipal Government Act and will be used for administering the Beaver County Land Use Bylaw, determining assessment, and will be forwarded to The Inspections Group. It is protected by the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection, contact Margaret Jones, Manager of Legislative Services, Beaver County, Box 140, Ryley AB T0B 4A0, telephone 780-663-3730.

NOTE: Safety Codes Permits (Building, Electrical, Plumbing, Gas, and Private Sewage) may be required for your development. Please contact Inspections Group at 1-866-554-5048 to determine what permits are required. You must obtain the appropriate permits prior to the start of construction. Fees will be doubled if you fail to do so.

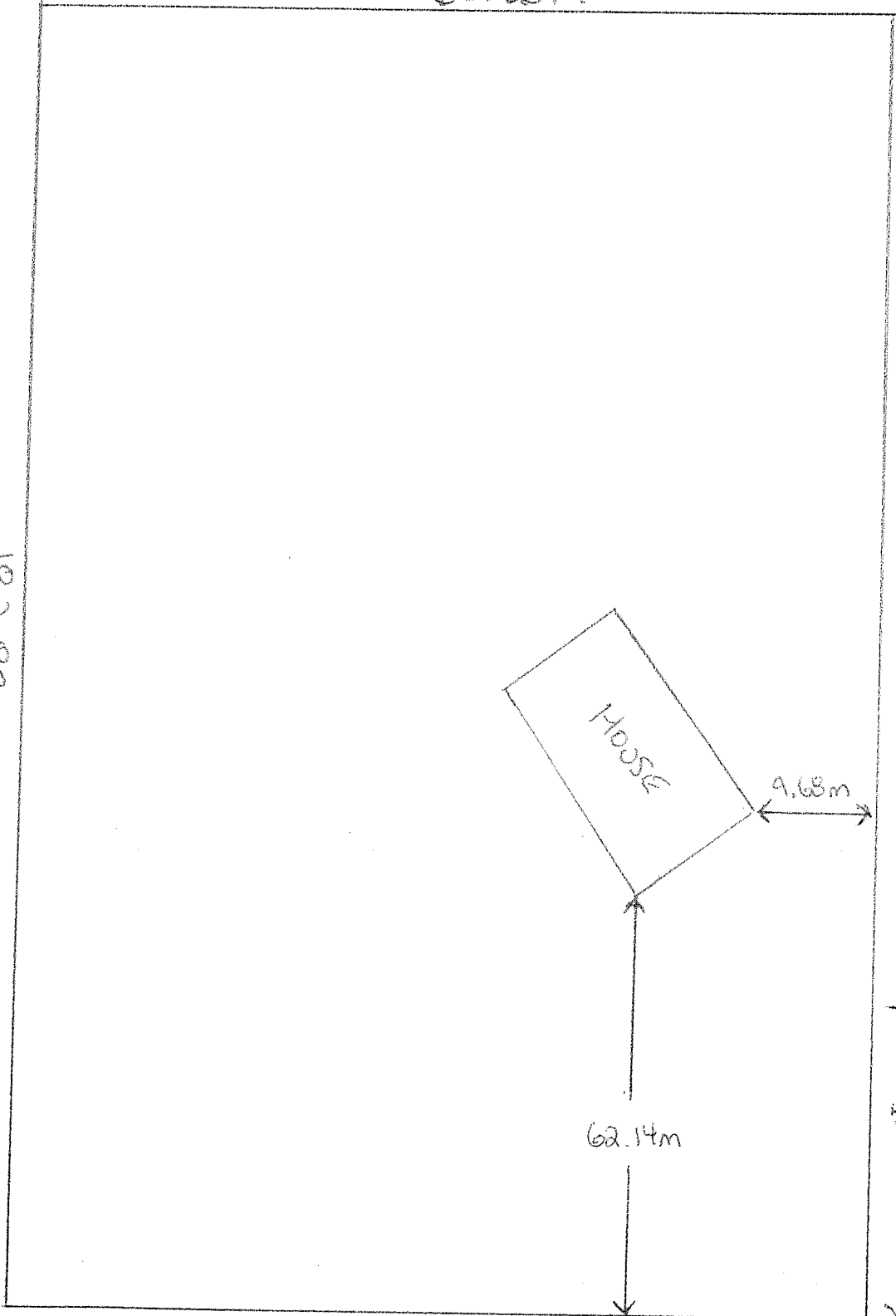


DEVELOPMENT PERMIT SITE PLAN

NOTE: Site plan must be drawn to scale

66.66 m

182.88 m



SCREEN
ALONG
THIS
BOUNDARY

HOUSE

9.68 m

62.14 m

50 m

NO
SCREENS
AT THIS
TIME



66.82 m



November 27, 2024

FILE NUMBER: MPS-24-091 (020020-24-D0077)

Carmen & Rod Nachtigall
[REDACTED]

[REDACTED]
and Hand-Delivered

Dear Sir/Madam:

RE: DEVELOPMENT PERMIT APPLICATION
Legal Description: Lot 17 Block 2 Plan 7920020 in SW 17-51-19-W4
[REDACTED]
Beaver County

NOTICE OF REFUSAL

Please be advised that your application to develop a **10 ft Fence with a 4 ft Variance from Maximum Fence Height (Buildings and Uses Accessory to Permitted Uses)** within Lot 17 Block 2 Plan 7920020 in Beaver County has been refused by the Development Authority for Beaver County on **November 27, 2024**, in accordance with Section 683.1(8) of the *Municipal Government Act*, RSA 2000, c. M-26.

Your application was received on October 31, 2024, and deemed complete on November 8, 2024. Adjacent landowners were notified via regular mail on the same date. Of the seven (7) adjacent landowners notified, one (1) response was received, which was a letter of non-objection dated November 17, 2024. No letters of objection were submitted.

On November 27, 2024, your application was officially deemed refused. The development described in Application No. 020020-24-D0077 has been refused for the following reasons:

1. **Non-compliance with Section 7.26(3) of the Beaver County Land Use Bylaw:**
 - o *"The Development Authority may vary the height of a fence to a maximum of 2.4 metres (8 feet) to provide additional security, safety, privacy, or screening from roads or adjacent development."*
 - o The proposed 10-foot fence exceeds the maximum allowable height of 8 feet, and the Development Authority does not have discretion under Section 7.26(3) to approve a height variance beyond this limit.

We acknowledge the significant concerns raised in your application, including issues of light pollution, noise, privacy, property value, and security. These factors have been taken into consideration but do not provide the Development Authority with discretion to vary the bylaw's provisions in this instance. While the Development Authority believes there is a strong justification for the variance, the authority to approve this request lies with the Intermunicipal Subdivision and Development Appeal Board (SDAB).

You may appeal the refusal to the Intermunicipal Subdivision and Development Appeal Board in accordance with Section 685(1) of the *Municipal Government Act* within 28 days of the date of the letter. An appeal

can be made by filing a written notice of appeal along with a payment of \$300 to the Subdivision and Development Appeal Board (Box 140, Ryley, Alberta, T0B 4A0).

More information on how to appeal can be found on Beaver County's website under **Services > Planning & Development > Appealing Planning Decisions**.

The Development Authority supports your application during the appeal process and encourages you to present the information provided in your justification to the SDAB. Please do not hesitate to reach out if you have any questions or require clarification regarding the appeal process.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jane Dauphinee', enclosed in a circular scribble.

Jane Dauphinee
Development Authority
Municipal Planning Services (2009) Ltd.

cc:

Margaret Jones - Beaver County
Shauna France – Municipal Planning Services Ltd.



NOTICE OF APPEAL
SUBDIVISION AND DEVELOPMENT APPEAL BOARD

SITE AND APPELLANT INFORMATION (fill out completely)

SITE INFORMATION		Date Received Stamp (office use only) RECEIVED DEC 18 2024 RECEIVED
Legal land description of site ('lot/block/plan' and/or 'quarter-section-township-range'):	Lot 17 Block 2 Plan 7920020 SW-17-51-19-W4	
Development permit number or subdivision application number:	00020-24-D0077 (MPS-24-091)	
APPELLANT INFORMATION		
Name of appellant:	Carmen and Rod Nachtigall	
Mailing address:	[REDACTED]	
Phone number:	[REDACTED]	Fax number:
Email address:	[REDACTED]	
Preferred time of appeal hearing: <input checked="" type="checkbox"/> Day time <input type="checkbox"/> Evening	Dates within the next 30 days that are not suitable for hearing date:	Dec 18 thru Dec 22. Dec 24- Dec 26.

APPEAL AGAINST (Check one box only)

DEVELOPMENT PERMIT	SUBDIVISION APPLICATION
<input type="checkbox"/> Approval	<input type="checkbox"/> Approval
<input type="checkbox"/> Conditions of approval	<input type="checkbox"/> Conditions of approval
<input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Refusal

REASONS FOR APPEAL

Sections 678 and 686 of the *Municipal Government Act* require that the written Notice of Appeal must contain specific reasons for the appeal. **The appeal is herein launched for the following reasons:** (Attach a separate page if required)

We are appealing this as per instructions from Municipal Planning Services.

The appeal is for our sense of security and well being.

We have attached two letters, one being our original application for development. The other being a copy of an email from Municipal Planning Services in which they state that they support our application through the appeals process.

We also have a journal and pictures detailing the harrasment that we can provide.

Collection and use of personal information

Personal information is being collected under the authority of the *Municipal Government Act* (MGA) and the *Freedom of Information and Protection of Privacy Act* (FOIP) and is managed in accordance with the provisions of FOIP. This information will be used to process your request for a hearing before the Subdivision and Development Appeal Board. **Your information will form part of a file available to the public.** If you have any questions about the collection of your personal information, contact Margaret Jones, Manager of Legislative Services, Beaver County at 780-663-3730.

Signature of appellant:		Date:	YYYY	MM	DD
			2024	12	13

Office use only
Appeal fee paid: <input type="checkbox"/> Yes <input type="checkbox"/> No



Fw: 020020-24-D0077 (Nachtigall - 10 ft Fence)

From Rod Nachtigall [REDACTED]
Date Wed 11/27/2024 5:52 PM
To Rod Nachtigall <rod@tofieldelectric.com>

1 attachment (183 KB)
Refusal Letter MPS-24-091 (020020-24-D0077).pdf;

[Get Outlook for Android](#)

From: Shauna France <planning@munplan.ab.ca>
Sent: Wednesday, November 27, 2024 5:37:53 PM
To: Rod Nachtigall [REDACTED]
Cc: Jane Dauphinee <j.dauphinee@munplan.ab.ca>; mjones@beaver.ab.ca <mjones@beaver.ab.ca>; jrowe@inspectionsgroup.com <jrowe@inspectionsgroup.com>; Kat Lavery <k.lavery@munplan.ab.ca>; orest@beaver.ab.ca <orest@beaver.ab.ca>; rhonda@beaver.ab.ca <rhonda@beaver.ab.ca>; dkoch@beaver.ab.ca <dkoch@beaver.ab.ca>; AEP Christine <RedDeer.LUApps@gov.ab.ca>; Highway 14 Regional Water Services Commission <info@hwy14water.ca>
Subject: 020020-24-D0077 (Nachtigall - 10 ft Fence)

Hello Rod & Carmen,

Please see the attachment for your Notice of Refusal (020020-24-D0077).

As previously discussed, the Development Authority supports your application during the appeal process and encourages you to present the information provided in your justification to the SDAB. Please do not hesitate to reach out if you have any questions or require clarification regarding the appeal process.

Due to the ongoing Canada Post strike, there may be delays in delivering a hard copy of the decision by regular mail. To ensure you receive this information promptly, we have sent it to you electronically. For our records, could you please confirm in writing that you have received the electronic copy? Additionally, if you are comfortable waiving your right to receive a hard copy by mail, please let us know.

Sincerely,

12/13/24, 7:49 AM

Mail - Rod Nachtigall - Outlook

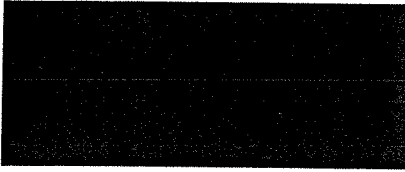
SHAUNA FRANCE BA
Planner, Development Officer



p: 780.486.1991
e: planning@munplan.ab.ca
a: #206, 17511 - 107 Ave NW
Edmonton, AB T5S 1E5
www.munplan.ab.ca

Confidentiality Warning: This message and any attachments are intended only for the use of the intended recipient(s), are confidential, and may be privileged. If you are not the intended recipient, you are hereby notified that any review, retransmission, conversion to hard copy, copying, circulation or other use of this message and any attachments is unauthorized. If you are not the intended recipient, please notify the sender immediately by return e-mail, and delete this message and any attachments. Thank you.

RE: Application for development.



We have built a screen along our east property line, at a height of ten feet, this is to block the neighbor to the immediate east. The ten-foot-tall screen starts at 190 feet to the north of the south property line and will continue to the northeast corner of our property. It will not continue in any other direction.

Last year the neighbor built a "tent" building such as one would purchase from Uncle Weiner's Wholesale or Princess Auto (the very inexpensive ones). The tent has a footprint of 85 feet long by 30 feet wide by 15 feet tall. To place the tent, the vast majority of trees on his west property line were removed. The land was leveled, and a large amount of gravel was brought in and packed. The gravel pad extends past the tent footprint by a very large area to the east, south and north of the tent. At that time, we made numerous complaints to the County of Beaver and Jessica Post (Development Officer), the tent is larger than the counties allowable 2400 square feet. She could have also said that it should have been built further to the east, she had that authority.

At the front (south) end of the tent he now parks multiple vehicles. These vehicles are all parked perpendicular to the property line. All are parked with the headlights facing west at our house.

At the rear (north) end of the tent are a few sea cans, other vehicles in disrepair, many snowmobiles in disrepair and piles of trees that were removed to make room for the tent.

On the east side of the tent, he placed a diesel-powered light tower. The lights get raised above the height of the tent, they then light up our yard and our home inside.

On the west side of the tent is our property, our property is five feet lower than his property and the grade of the tent at the front where he parks his trucks.

Our home was built on an angle across the property, taking advantage of the natural topography gives us a walkout basement along the whole back length. Our yard is naturally five feet lower than the neighbors. The screen has been built at the bottom of the natural hill that divides the properties.

The screen has been built for five reasons. The first being to block the lights that he shines at our home. The second is privacy. The third is noise control. The fourth is property value and the fifth is a feeling of security.

1. Excessive light has been shining on us since the building commenced. At first it was a work light that had been left on all night, shining directly into our home. Once the build was completed vehicles are parked perpendicular to the property line. Vehicles are started and left to run, with the LED lights on high, they are then turned off with the vehicles going nowhere. The diesel-powered light tower is raised above the height of the tent and left to run for hours with the 1000W heads lighting up our backyard and into our home.
2. Privacy has all but been taken away from us, there are two video cameras mounted on the eaves on two of his outbuildings directed right into our property. Right at the location that our hot tub is located.
3. The constant revving of loud vehicles. There is an older blue GMC pick up that is without a proper exhaust system parked close to the property line. The truck is started in the early morning usually and revved and revved for twenty plus minutes at a time. It is then turned off, without even moving. There is an older motorhome, again without a proper exhaust that is started and revved and then turned off and goes nowhere. There is a motorcycle that is again started and revved for no reason at all, usually before 8AM on Sunday mornings. Then there is the diesel-powered light tower that gets started and left to run in the summertime for 20 to 30 minutes or even an hour for what seems to be no reason as it is daylight, and the lights are not used. In winter he does constant laps on his snowmobile for hours at a time. Please keep in mind all this is taking place within 30 feet of the property line. He also operates his sheet metal business from the property, on one occasion banging on tin starting at 530 AM.
4. Our property value surely has taken a hit, we now have a giant "curling rink" to look at, before it was natural vegetation, poplar trees and Alberta rose bushes. There are the vehicles in front of the tent, the white Ford is missing a grill, the blue GMC is parked down hill towards our property with a log behind its rear tire to keep it from rolling into our house. There is an old broken lawn tractor, a large pile of used tires strewn about, miscellaneous building materials and fence panels. Then behind the tent is a large brush pile, from all the trees he cleared to build the tent. There are also a few sea cans, two broken down old motorhomes, an old boat, many broken down snowmobiles and ATV's.
5. Finally, we lost all sense of security since this has started. He has called the police on myself twice now while I work on the screen. I have built this totally on my property, not on the line. He has given my wife the finger countless times when she is cutting grass along the road in front of our property. He has yelled at myself countless times telling me "F___ Off".

Since early June of 2023 we have been dealing with false accusations from the neighbor. We have been accused of pumping hundreds, if not thousands of gallons of water into an area in the front of his property. This has never ever happened. This is a naturally low "bowl" area that has taken snow melt and excessive rain from the last six or so years.

We have been accused of pumping sewage on his property, this is false. Now we are stuck with a very large bill to update our septic system, which has been here since the first house was built on this foundation. The neighbor has the same open discharge system, I watched as he did it why isn't he upgrading his? Ours is original, we didn't do it.

When he was removing old outbuildings to make way for the tent, he buried them in an opening between the two properties. On our property, boards and concrete blocks are sticking out of the ground. When I told Margaret Jones about this, she stated there was nothing she could do. When I said I'd put them back on his property, she strongly suggested I do not do that.

According to the by-law officer who came to our property twice now, the neighbor calls "weekly" on us to report things that aren't true. He has called the police twice on me for working on the screen. He has put up two cameras pointed directly into our yard. This harassment needs to stop, and this screen will help with this. We have lived quietly and peacefully in Beaver County for over twenty years with never a problem. We own and operate Tofield Electric and always employ three to four local people. We are well known for our generosity with local sports, youth groups and food bank. In fact, we used to get along with the neighbor. I have given him a boost when his vehicle wouldn't start, I have given him wire for AC units he was doing.

We have been harassed and have not done one thing to respond, every time I call the County it's us that gets in trouble. Funny how the County has adopted an anti-bullying policy, they even have it on the windows of all their trucks.

We just want our simple, quiet life back.

Carmen & Rod Nachtigall



BEAVER COUNTY NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the Intermunicipal Subdivision and Development Appeal Board regarding **Development Application 00020-24-D0077 (MPS-24-091)**, concerning:

Owner: Carmen and Rodney Nachtigall
Applicant: Carmen and Rodney Nachtigall
Location: Lot 17, Block 2, Plan 7920020
SW-17-51-19-W4
Beaver County, AB
Proposed Development: 10 ft Fence with a 4 ft Variance from Maximum Fence Height (Buildings and Uses Accessory to Permitted Uses)
Notice of Appeal Issued: December 13, 2024

The application was **REFUSED** by the Development Authority and is being appealed by the following persons:

Carmen and Rod Nachtigall
Place of Hearing: Beaver County Council Chambers
5120 50th Street
Ryley AB, T0B 4A0
Time of Hearing: 10:00 am
Date of Hearing: Friday, January 10, 2025

In accordance with Section 687(3) of the *Municipal Government Act*, the Subdivision and Development Appeal Board will hear the appeal and may either confirm the Development Officer's decision or substitute the decision with either an approval or refusal.

If you wish to make a written submission to the Board regarding the proposed development, please submit all information to Kacy McKinney, on behalf of the Board, by either e-mail to kmckinney@beaver.ab.ca or in person at the Beaver County Office at 5120 - 50 Street, Ryley **prior to noon on Tuesday, December 31, 2024**. Office hours are 8:30 am to 4:30 pm, Monday to Friday.

Note that in accordance with Section 686(4) of the *Municipal Government Act*, the Board must make all relevant documents and materials respecting the appeal available to the public before the commencement of the hearing. These documents will be posted on the County's website. Please redact any information that you consider personal and private.

Per: _____

Janice Agrios
Secretary

Intermunicipal Subdivision and Development Appeal Board



DEVELOPMENT OFFICER'S REPORT

File Number: MPS-24-091 (020020-24-D0077)	Date Received: October 31, 2024
Municipality: Beaver County	Date Deemed Complete: Nov. 8, 2024
Applicant: Rod & Carmen Nachtigall	Decision Due Date: Dec. 18, 2024
Owners: Same	Date of Decision: Nov. 27, 2024
Legal: Lot 17, Blk. 2, Plan 7920020 In: SW 17-51-19-W4	Date of Issuance: Nov. 27, 2024
Notice of Decision (Chronicle): Nov. 27, 2024 and Dec. 4, 2024	Application Fee: Received (Receipt No. F-8442)

SUMMARY OF ANALYSIS

1. SITE DESCRIPTION AND ANALYSIS

The application is to develop a 3.05 m (10.0 ft.) high fence (screen) along the eastern sideline of Lot 17, Blk. 2, Plan 7920020. The lot is a 3.02 ac. The lot is in the CR District and is located within a multi-lot country residential subdivision (Lindbrook Estates). The subject site is in the western portion of Beaver County. There is an MR lot adjacent to the western boundary of the lot, between the lot and RR 195. Beaver Hill Drive is adjacent to the southern boundary. Access to the lot is provided from Beaver Hill Drive.

The subject site is within the CR District. The maximum height of a fence in the CR district is normally 1.84 m (6.0 ft.). The proposed fence is 3.05 m (10.0 ft.) in height and exceeds the maximum height and variance powers of the Development Authority provided for in the LUB which was in effect on the date that the decision was issued. As such, as proposed, the development was inconsistent with the LUB that was in effect on the date that the decision was issued and therefore the application had to be refused.

This is noteworthy because after the decision was issued, the County approved a new LUB which provides greater variance powers to the Development Authority.

The Merged Wetland Inventory does not identify wetlands within the subject site however, wetlands, which appear to hold water, are visible within the site from the ortho photo analysis, and the presence of low-lying areas is confirmed from a review of the County's contour data.

There appears to be a reasonable building pocket outside of the identified wetlands on the subject site. Additionally, the location of the fence does not appear to directly impact wetlands within the subject site.

There are no Floodways or Flood Fringe areas identified on the Province's Flood Hazard Map.

The site is not affected by:

- Abandoned wells or pipelines
- Confined Feeding Operations
- Active or inactive waste management facilities
- Slopes of 15% or greater
- Active Gas Wells or Pipelines

- Alberta Culture and Status of Women has not assigned a Historic Resource Value (HRV) to the subject site or adjacent lands.
- Alberta Environment & Parks has no records of documents issued under an Act for which the Minister of Environment and Park is responsible, that affect the subject site, issued under the *Water Act*, R.S.A. 2000, c. W-3, as amended.
- The site is not within 0.8 km of a highway.

Mapping data reviewed to determine site suitability for the proposed development is included as **Schedule A - Maps**.

The site is predominately treed and is characterized by undulating contours ranging from 723.5 m to 726 m. The neighboring property is at a higher elevation than the subject site and the applicant has indicated that to provide an effective visual barrier, the fence must be taller than normally allowed to account for the change in elevation along the property boundary.

The applicant has provided photos with the application which verify the change in elevation between the two lots. Additionally, in support of the application, the proponent provided a detailed letter documenting their ongoing concerns with light pollution, noise, privacy, property values, and security. All of the information provided was carefully considered by the Development Authority and while the Development Authority believes there is strong justification for the variance as requested, the authority to approve this request lies with the Intermunicipal Subdivision and Development Appeal Board (SDAB).

2. AGENCY AND ADJACENT LANDOWNER COMMENTS

Agency	Comments
Building and Safety Codes Inspector	• No response
AB Environment and Parks (wetlands)	• No response
Highway 14 Regional Water Services Commission	• No response

Notice of application to adjacent landowners was circulated by mail on November 8, 2024, and notice of the decision was posted in the local paper on November 27, 2024 and December 4, 2024. Additionally, adjacent landowners were provided with hand-delivered notices of the decision on November 27, 2024 rather than by mail to account for potential delays due to the mail strike.

One response from an adjacent landowner indicating support for the proposed development was received.

3. POLICY AND REGULATION ANALYSIS

MGA AND MRS DR REQUIREMENTS

In the opinion of the Development Authority, with respect to these matters:

- a) topography;
- b) soil characteristics;
- c) storm water;
- d) flooding;
- e) subsidence/erosion;
- f) accessibility;
- g) water supply;
- h) sewage disposal;
- i) solid waste;
- j) *Private Sewage Disposal Systems Regulation*, AR 229/1997; and
- l) other matters;

The proposed development appears satisfactory in regard to these matters.

Sections 11 through 20 of the *Matters Related to Subdivision and Development Regulation, AR 84/2022* are satisfied.

MDP AND LUB REQUIREMENTS

MDP

The subject site is designated "Agriculture Area" in the County's *Municipal Development Plan Bylaw 98-800* (MDP) as amended and consolidated in November 2020.

The lot is developed for County Residential use, which is allowed in this area. There are no provisions that apply to the development of fences. Therefore, in the opinion of the Development Authority, the proposed development conforms to the County's MDP.

LUB

The subject site is within the Country Residential District (CR) in the County's *Land Use Bylaw 98-801* (LUB), as amended, and consolidated. Section 7.26 & Section 1.4(d)(ii) provide regulations relating to Fences in this District. The following provisions apply:

Section 1.4(d)(ii) provides that fences up to but not exceeding 1.84 m (6.0 ft.) are allowed without a development permit in the CR District. However, a development permit is required for gates, fences, or walls greater than 1.84 m (6.0 ft.) in height in the front, rear or side yards.

Additionally, Section 7.26(3) provides the Development Authority with the ability to vary the maximum height of a fence in the CR District up to a maximum of 2.4 m (8.0 ft.).

Section 7.26(3) *The Development Authority may vary the height of a fence to a maximum of 2.4 m (8.0 ft.) to provide additional security, safety, privacy, or screening from roads or adjacent development."*

The proposed 3.05 m (10.0 ft.) fence exceeds the maximum allowable height of 2.4 m (8.0 ft.), and the Development Authority does not have discretion under Section 7.26(3) to approve a height variance beyond this limit.

Therefore, in the opinion of the Development Authority, the proposed development does not conform to LUB (98-801).

APPEAL BOARD

Based on our review of the available information, The site is not:

- subject of a licence, permit, approval or other authorization granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, or
- subject of a licence, permit, approval or other authorization granted by the Minister of Environment and Protected Areas or the Minister of Forestry, Parks and Tourism,

Therefore, in the opinion of the Development Authority, the appeal lies to the Intermunicipal Subdivision and Development Appeal Board.

4. DEVELOPMENT PERMIT RECOMMENDATION

After a thorough review of the information provided, available site information, and a review of the applicable legislation and County planning documents (MDP and LUB), the Development Authority issued the following decision:

The proposed development described in Application No. 020020-24-D0077 be refused for the following reasons:

1. The proposed development of a 3.05 m (10.0 ft.) high fence (screen) along the eastern property boundary of Lot 17, Blk. 2, Plan 7920020 does not comply with Section 7.26(3) of the Beaver County Land Use Bylaw:
 - a. *"The Development Authority may vary the height of a fence to a maximum of 2.4 metres (8 feet) to provide additional security, safety, privacy, or screening from roads or adjacent development."*
 - b. The proposed 10-foot fence exceeds the maximum allowable height of 8 feet, and the Development Authority does not have discretion under Section 7.26(3) to approve a height variance beyond this limit.

4. RECOMMENDATION TO THE APPEAL BOARD

The Development Authority notes that following the date of the decision affecting the permit, the County adopted a new LUB (December 18, 2024). The new LUB (Bylaw 24-1154) does not include maximum variance provisions affecting the height of fences in the CR District. The new section is included below:

FENCING

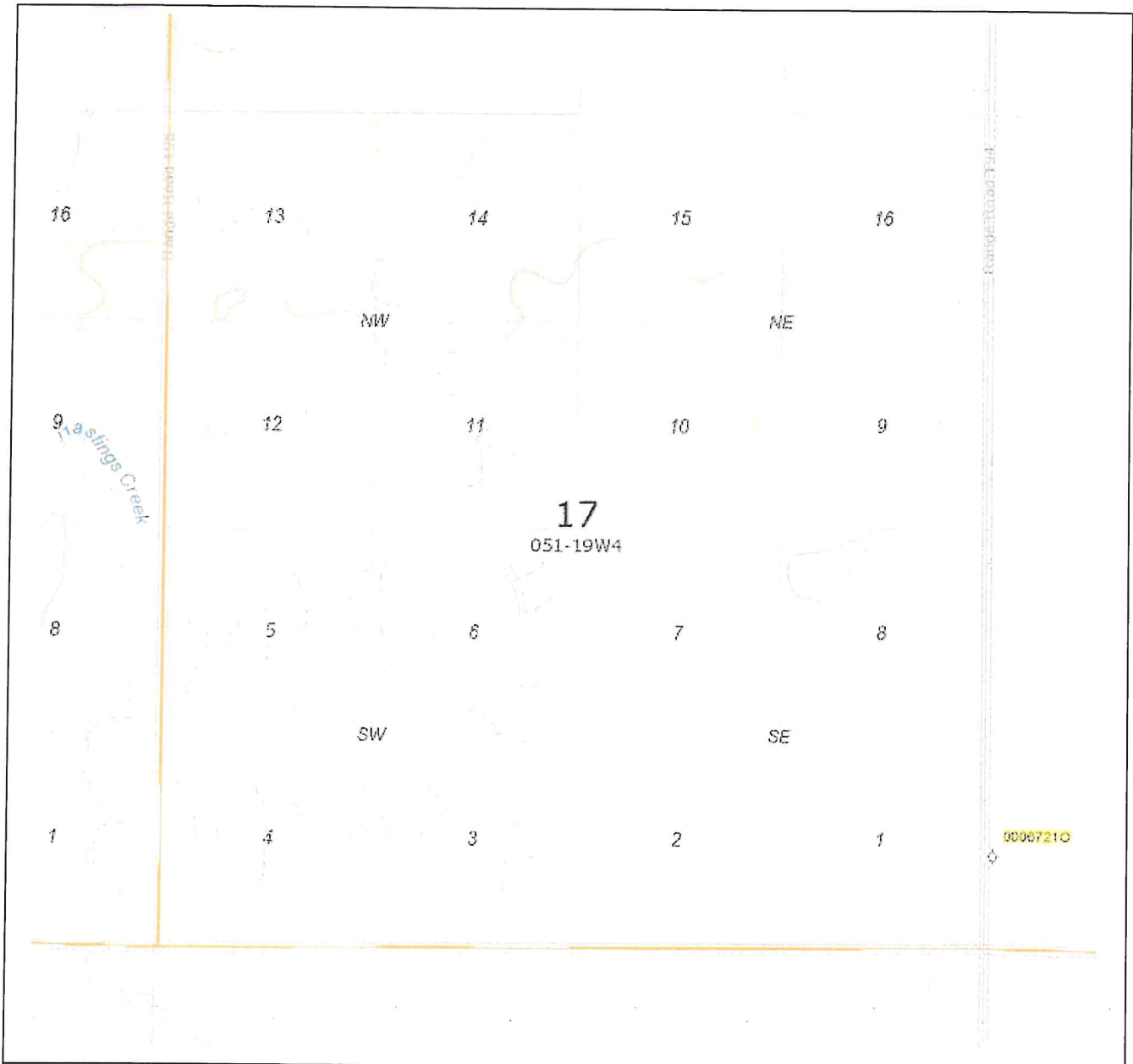
6.9.5. *No fences shall be permitted within an intersection in accordance with Figures 2, 3, 4, 5, and 6 located in subsection 6.3 Development Near Highways, Secondary, and Rural Roads (shaded area indicates restricted area).*


6.9.6. *Within the Country Residential District, the Urban General District and the Tourism District, a fence is allowed up to a maximum height of 2.4 m (8.0 ft). Any fence that extends beyond this is required to submit a variance request and receive approval from the Development Authority prior to construction.*

6.9.7. *Notwithstanding subsection 6.9.6, where the Development Authority determines that the location or height of a proposed fence will negatively affect sightlines or safety on a road or abutting driveway, the Development Authority will refuse the application.*

6.9.8. *Electric fences will not be permitted on any parcel within the Country Residential District or Urban General District.*

Based on the information provided in support of the variance by the applicant, specifically, in regards to the charge in lot elevation between the two properties, and the new ability of the Development Authority, to grant a larger variance to fence height, the Development Authority would support the appeal board, approving the requested variance for the installation of a 3.05 m (10.0 ft.) high fence (screen) along the eastern property boundary of Lot 17, Blk. 2, Plan 7920020.



Abandoned Well Map	Base Data provided by: Government of Alberta	
	Author XXX	Printing Date: 10/28/2024
Legend ◊ Abandoned Well (Large Scale) ○ Revised Well Location (Large Scale) — Revised Location Pointer Paved Road (20K) — Primary Divided — Primary Undivided 4L — Primary Undivided 2L — Primary Undivided 1L — Interchange Ramp — Secondary Divided — Secondary Undivided 4L	Date Date (if applicable)	
	The Alberta Energy Regulator (AER) has not verified and makes no representation or warranty as to the accuracy, completeness, or reliability of any information or data in this document or that it will be suitable for any particular purpose or use. The AER is not responsible for any inaccuracies, errors or omissions in the information or data and is not liable for any direct or indirect losses arising out of any use of this information. For additional information about the limitations and restrictions applicable to this document, please refer to the AER Copyright & Disclaimer webpage: http://www.aer.ca/copyright-disclaimer .	
	Scale: 18,055.95 0.28 Kilometers 0	Projection and Datum: WGS84 Web Mercator Auxiliary Sphere
		

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Traditional Agriculture Registration Viewer

There is 1 error message:

- No result found for the selected location. Please try again.

Search For Registration Using Legal Land Description / Location:

Display Volume In:
<input checked="" type="radio"/> Metric (m ³)
<input type="radio"/> Imperial (gal)

Legal Subdivision:

Quarter Section: SW ▾

Section: 17

Township: 51

Range: 19

Meridian: 4 ▾

<input type="button" value="Search"/>	<input type="button" value="Clear"/>
---------------------------------------	--------------------------------------

Comments regarding the Authorization Viewer page may be directed to the Regulatory Programs Branch RAC.Environment@gov.ab.ca.



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Authorization Viewer - Search Results

For Water Act approvals, amendments and Code of Practice notifications issued by the Alberta Energy Regulator during or after 2018, please refer to the following link [OneStop Application Query Tool \(aer.ca\)](#).

The Search Used the Following Values:

Area Parcel:	Plan: 7920020 Block: 2 Lot: 17
Act / Document Type:	Water Act, EPEA
Show Inactive Authorizations:	Yes

The resulting Authorizations based on the search criteria will be displayed below. A  will appear next to the Authorization when documentation is available for viewing or downloading. Please click [Viewer Help](#) if you encounter problems viewing the Authorization document.

0 Result(s)

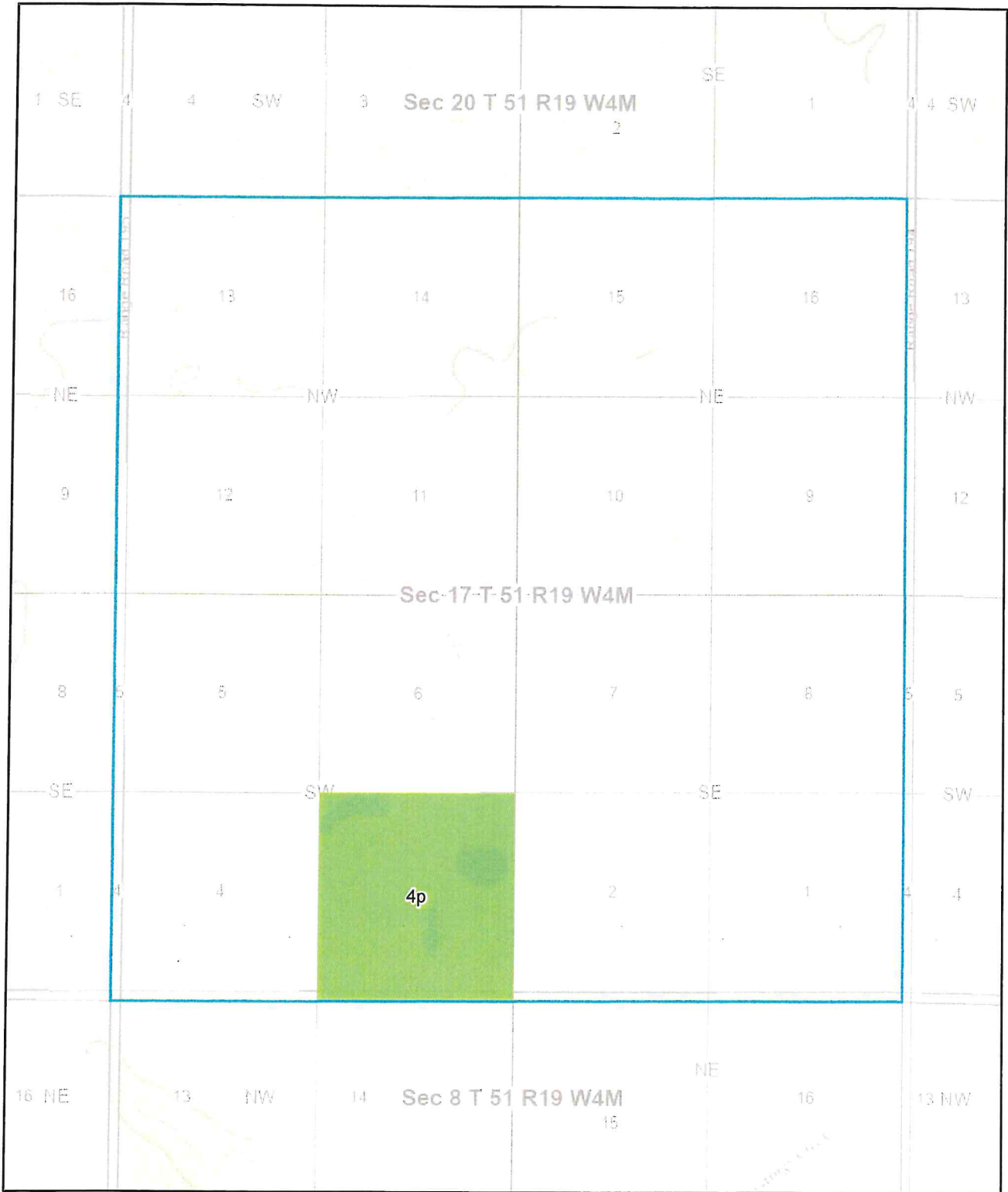
Clear & Return

Comments regarding the Authorization Viewer page may be directed to the Regulatory Programs Branch RAC.Environment@gov.ab.ca.

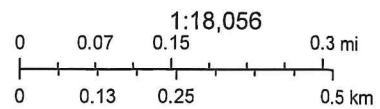


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Listing of Historic Resources - Historic Resource Values



10/28/2024, 12:12:51 PM



- Listing of Historic Resources Public- HRV 4
- ATS Section with Road Allowance Label Above Hydro
- ATS Quarter Section with Road Allowance Label Below Hydro
- ATS Legal SubDivision with Road Allowance Label Below Hydro
- ATS Township Index Outline 7
- ATS Section with Road Allowance Outline 3
- ATS Quarter Section with Road Allowance Outline

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ArcGIS Web AppBuilder

Activities planned for lands not included in the Listing of Historic Resources may still require Historical Resources Act approval. The results of a Listing search MUST be used in conjunction with the



Map Results



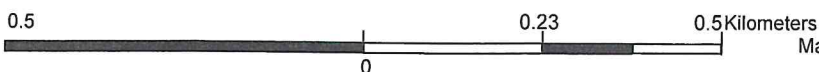
Legend

- ATS Section with Road Allowance Below Hydro
- ATS Quarter Section with Road Allowance Below Hydro
- ATS Legal SubDivision with Road Label Below Hydro
- ATS Township Index Outline 8
- ATS Section with Road Allowance
- ATS Quarter Section with Road Allowance Outline
- ATS Legal SubDivision with Road Outline
- Cadastral Right of Way Line
- Cadastral Block and Lot Line
- Cadastral Survey Plan Line
- ABWRET - Estimate of Relative Value By Section Dataset Area Outline
- ABWRET - Relative Wetland Value Units Outline
- ABWRET - Estimate of Relative Value By Section Pie Chart - Visible at :
- Estimated A-Value Hectares
- Estimated B-Value Hectares
- Estimated C-Value Hectares
- Estimated D-Value Hectares
- ABWRET - Estimate of Relative Value By Section - Visible at Scale 108
- Alberta Merged Wetland Inventor
 - Bog
 - Fen
 - Marsh
 - Open Water
 - Swamp

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Monday, October 28, 2024 12:20:04 -06:00



Map Scale: 1: 9,028

Schedule B - Preconstruction Lot Elevations & Contours



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LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0011 379 534 7920020;2;17 172 159 708

LEGAL DESCRIPTION
PLAN 7920020
BLOCK 2
LOT 17
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.22 HECTARES (3.01 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;19;51;17;SW

MUNICIPALITY: BEAVER COUNTY
REFERENCE NUMBER: 032 145 794

REGISTRATION	DATE (DMY)	REGISTERED OWNER(S) DOCUMENT TYPE	VALUE	CONSIDERATION
172 159 708	22/06/2017	TRANSFER OF LAND	[REDACTED]	SEE INSTRUMENT

OWNERS

CARMEN L M NACHTIGALL

AND

RODNEY C NACHTIGALL

BOTH OF:



AS JOINT TENANTS

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

[REDACTED]	09/04/2008	[REDACTED]
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(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
172 159 708

REGISTRATION
NUMBER DATE (D/M/Y) PARTICULARS

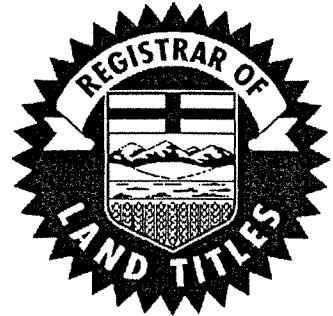


TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 6 DAY OF
NOVEMBER, 2024 AT 02:21 P.M.

ORDER NUMBER: 52094140

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

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